IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.240 OF 2005

Mrs.Asha Balkrishna Kumbhar ... Petitioner

versus

The C.B.I., Mumbai and anr. ... Respondents

...

Mr.A.S. Khandeparkar, for the Petitioner.

Mr.Khan, for the Respondent No.1.

Mr.D.R.More, A.P.P., for the Respondent No.2.

...

CORAM : A.M.KHANWILKAR,J.

10th March 2005

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Khan and Mr. More, A.P.P., waive notice for the respective Respondents. As short question is involved, petition is taken up for final disposal forthwith by consent.

. This petition takes exception to the order passed by the Special Judge, Greater Mumbai, dated 6th December 2004 on the application preferred by the Petitioner being Miscellaneous Application No.170 of 2003 in Special Case No.93 of 2000 for return of property. The property is cash amount of Rs.4,58,000/-. According to the Petitioner, the said amount belongs to her and has been accounted in her books of accounts and in the corresponding entries in the books of accounts of her chartered accountant, Mr. Ruia, as can be noticed.

. It is not necessary to consider the question whether the amount of Rs.4,58,000/- seized under the seizure panchnama dated 8th September 1999 belongs to the Petitioner, for the simple reason that the Petitioner is inclined to furnish commensurate bank guarantee for the said amount if the said amount was returned to her during the pendency of trial, with further undertaking that she will abide by such order that may be passed by the trial Court at the end of trial of returning the amount with reasonable interest thereon.

. The impugned order is accordingly set aside and, instead, the application preferred by the Petitioner for return of property is allowed on condition as mentioned earlier.

. It is once again made clear that the trial Court may pass such other appropriate order as may be advised at the end of the trial in respect of the property, which is being returned to the Petitioner under this order.

(A.M.KHANWILKAR,J.)